

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Aquila, Inc., d/b/a Aquila Networks) NG-0001
(Aquila), Omaha, seeking a general)
rate increase for Aquila's Rate Area)
One (Communities include)
Plattsmouth, Bellevue, Ralston,)
LaVista, Papillion, Gretna,)
Waterloo, Elkhorn, Valley, and)
Blair).)

Aquila, Inc., d/b/a Aquila Networks) NG-0002
(Aquila), Omaha, seeking a general)
rate increase for Aquila's Rate Area)
Two (Lincoln).)

Aquila, Inc., d/b/a Aquila Networks) NG-0003
(Aquila), Omaha, seeking a general)
rate Increase for Aquila's Rate Area)
Three (Communities include Adams,) ORDER GRANTING IN PART
Arlington, Ashland, Auburn, Aurora,) AQUILA'S REQUEST FOR
Avoca, Bancroft, Battle Creek,) WAIVER OF PROPOSED
Beatrice, Bee, Beemer, Bennet, Blue) RULE 004.01G PREFILED
Springs, Bradshaw, Cheney, Clatonia,) TESTIMONY REQUIREMENT
Columbus, Cortland, Craig, Crete,)
David City, Dewitt, Dorchester,)
Eagle, Elmwood, Emerson, Endicott,)
Exeter, Fairbury, Fairmont, Firth,)
Friend, Garrison, Geneva, Grafton,)
Greenwood, Hallam, Hampton, Hickman,)
Holland, Horner, Hooper, Humboldt,)
Humphrey, Jackson, Johnson, Lindsay,)
Louisville, Madison, Manley, Mead,)
Meadow Grove, Milford, Murdock,)
Murray, Mynard, Newman Grove,)
Nickerson, Norfolk, North Bend,)
Oakland, Odell, Osceola, Palmyra,)
Panama, Pawnee City, Peru, Pierce,)
Pilger, Plymouth, Rising City,)
Rosalie, Schuyler, Scribner, Seward,)
Shelby, Stanton, Staplehurst,)
Sterling, Table Rock, Tecumseh,)
Tekamah, Thurston, Tilden, Uehling,)
Ulysses, Wakefield, Walthill,)
Walton, Waverly, Wayne, Weeping)
Water, West Point, Wilber,)
Winnebago, Wymore and York).) Entered: July 8, 2003

O P I N I O N A N D F I N D I N G S

In its applications in the above three dockets, Aquila requested that the Commission waive the requirement in Proposed Rule 004.01G in the proceeding docketed Rule and Regulation No. 157. The proposed rule requires that applicants in general rate filing proceedings submit with the application any prefiled direct testimony to be offered at the hearing. Aquila asserts in its request for waiver that it had nearly preparations to file its application by the time Rule and Regulation No. 157 was released. In its application, Aquila does submit a list of witnesses it intends to call and the general topic of each witness's respective testimony. Aquila seeks a waiver of the rule and an extension of up to 30 days to file the prefiled testimony of the witnesses it has identified.

Based on the statements set forth in the application and request for waiver and because the Commission's order releasing Rule and Regulation No. 157 was entered June 25, 2003, just days prior to the time Aquila had previously announced publicly it would make its general rate filing, the Commission finds that Aquila's request for waiver of Proposed Rule 004.01G should be granted, though not in its entirety. Because the Commission has limited time in which to render its decision, pursuant to Section 38 of LB 790, the Commission believes a 30-day extension is too long. The Commission finds that an extension to July 18, 2003, would be appropriate in light of the other findings herein.

O R D E R

Aquila's request for waiver of Proposed Rule 004.01G is granted in part, and Aquila is given until 5:00 p.m. (CDT) on July 18, 2003, to submit the prefiled direct testimony of any witnesses who Aquila will call to testify as part of its case in chief at the hearing on the above applications.

MADE AND ENTERED at Lincoln, Nebraska, this 8th day of July
2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director